

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLES RICHARD WESTFAL,

Plaintiff,

-against-

MICHAEL FRANKLIN WESTFAL, ESQ.;
KENNETH C. GLASSMAN, ESQ.;
BRENNAN DOYLE, PARAMOUNT;
JEFFREY DWORIN, WELLS FARGO; RYAN
KILBANE; OLIVIA DE SALVO; CLARE
ASHFORTH,

Defendants.

23-CV-9144 (LTS)

CIVIL JUDGMENT

By order dated January 2, 2024, the Court dismissed the complaint for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(h)(3), but granted Plaintiff 30 days' leave to replead his claims in an amended complaint. (ECF 7.) On January 18, 2024, Plaintiff filed a notice of interlocutory appeal to the United States Court of Appeals for the Second Circuit. (ECF 8.) By mandate dated April 9, 2024, the Court of Appeals dismissed the appeal. (ECF 9.) Plaintiff has not filed an amended complaint.

Accordingly, pursuant to the order issued January 2, 2024, dismissing the complaint,

IT IS ORDERED, ADJUDGED AND DECREED that the complaint is dismissed for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(h)(3).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's judgment would not be taken in good faith.

SO ORDERED.

Dated: April 9, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge